

MONTANA LEGISLATIVE HISTORY

Chapter 480 19 99

Bill H 557 S _____

Original bill & history c

H. Committee on Business & Labor

Hearing Date(s) 2/12 ✓ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Labor & Emp Rel.

Hearing Date(s) 3/9 ✓ c

3/11 ✓ c

_____ c

_____ c

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

HISTORY AND FINAL STATUS 1999

2/08 Introduced and 1st Reading
 2/08 Referred to Business and Labor
 2/11 Hearing
 2/12 Tabled in Committee
 3/01 Missed Deadline for General Bill Transmittal

HB 557 Introduced by Ewer, et al.

LC0898 Drafter: McClure

Clarify the Disclosure of Health Care Information Related to a Workers' Compensation Claim;...

2/08 Introduced and 1st Reading
 2/08 Referred to Business and Labor
 2/12 Hearing
 2/13 Committee Executive Action--Bill Passed as Amended 18 0
 2/13 Committee Report--Bill Passed as Amended 95 3
 2/17 2nd Reading Passed as Amended 97 2
 2/19 3rd Reading Passed

Transmitted to Senate
 2/22 Referred to Business and Industry
 3/03 Rereferred to Labor and Employment Relations
 3/09 Hearing
 3/12 Committee Executive Action--Bill Concurred as Amended 9 0
 3/12 Committee Report--Bill Concurred as Amended 49 0
 3/16 2nd Reading Concurred 49 0
 3/17 3rd Reading Concurred

Returned to House with Amendments
 4/09 2nd Reading Senate Amendments Not Concurred 94 3
 4/09 Conference Committee Appointed
 4/13 Hearing
 4/14 Conference Committee Report Received 95 1
 4/15 2nd Reading Conference Committee Report Adopted 96 2
 4/16 3rd Reading Conference Committee Report Adopted

Senate
 4/10 Conference Committee Appointed
 4/14 Conference Committee Report Received 47 0
 4/15 2nd Reading Conference Committee Report Adopted 42 7
 4/17 3rd Reading Conference Committee Report Adopted

4/19 Sent to Enrolling
 4/20 Returned from Enrolling
 4/21 Signed by President
 4/21 Signed by Speaker
 4/22 Transmitted to Governor
 4/27 Signed by Governor
 4/29 Chapter Number Assigned
 Chapter Number 480
 Effective Date: 4/27/1999 - All Sections

HB 558 Introduced by Bitney, et al.

LC1444 Drafter: B. Campbell

Clarify Which Persons May Engage in the Consumer Loan Business;...

2/08 Introduced and 1st Reading
 2/08 Referred to Business and Labor

HOUSE BILLS AND RESOLUTIONS

2/11 Hearing
 2/12 Committee Executive Action--Bill Passed 18 0
 2/12 Committee Report--Bill Passed
 2/16 2nd Reading Passed 84 14
 2/17 3rd Reading Passed 88 11

Transmitted to Senate
 2/22 Referred to Business and Industry
 3/25 Hearing
 3/25 Committee Executive Action--Bill Concurred 6 1
 3/25 Committee Report--Bill Concurred
 3/27 2nd Reading Concurred 48 0
 3/27 3rd Reading Concurred 46 2

Returned to House
 3/29 Sent to Enrolling
 3/29 Returned from Enrolling
 3/30 Signed by Speaker
 3/30 Signed by President
 3/31 Transmitted to Governor
 4/06 Signed by Governor
 4/07 Chapter Number Assigned
 Chapter Number 270
 Effective Date: 10/01/1999 - All Sections

HB 559 Introduced by Curtiss

LC0738 Drafter: MacMaster

Provide Compensation for the Owner of a Parcel of Real Property, the Fair Market Value of Which Is Substantially and Disproportionately Reduced by the Action of a State Government Agency;...

2/08 Introduced and 1st Reading
 2/08 Referred to State Administration
 2/16 Hearing
 2/17 Committee Executive Action--Bill Passed 11 6
 2/18 Committee Report--Bill Passed
 2/22 2nd Reading Passed 58 41
 2/23 3rd Reading Passed 59 41

Transmitted to Senate
 2/23 Referred to State Administration
 3/02 Rereferred to Judiciary
 3/16 Hearing
 3/25 Tabled in Committee
 Died in Standing Committee

HB 560 Introduced by Hanson, et al.

LC1373 Drafter: Kurtz

Generally Revise County Road Laws;...

2/08 Introduced and 1st Reading
 2/08 Referred to Local Government
 2/16 Hearing
 2/19 Committee Executive Action--Bill Passed as Amended 14 2
 2/19 Committee Report--Bill Passed as Amended
 2/22 2nd Reading Passed as Amended 98 1
 2/24 3rd Reading Passed 89 10

INDEX TO BILLS IN COMMITTEE

June 30, 1999

- Committee: (H) Business and Labor -

01:05 PM

-
- HB 553** SPONSOR: Thomas, Bill SHORT TITLE: Change landscape architecture to a practice act
REFERRED ON: 02/08/1999 HEARD ON: 02/12/1999
EXECUTIVE ACTION: 02/13/1999 Bill Passed as Amended -- VOTE: 11 - 7
FINAL DISPOSITION 02/17/1999 (H) 2nd Reading Pass Motion Failed; Vote: 31 - 68
-
- HB 556** SPONSOR: Ewer, David SHORT TITLE: Prohibit safety awards for no work comp claims
REFERRED ON: 02/08/1999 HEARD ON: 02/11/1999
TABLED ON: 02/12/1999
FINAL DISPOSITION 03/01/1999 (H) Missed Deadline for General Bill Transmittal
-
- HB 557** SPONSOR: Ewer, David SHORT TITLE: Medical privacy for work comp claims
REFERRED ON: 02/08/1999 HEARD ON: 02/12/1999
EXECUTIVE ACTION: 02/13/1999 Bill Passed as Amended -- VOTE: 18 - 0
FINAL DISPOSITION 04/29/1999 Chapter Number Assigned
-
- HB 558** SPONSOR: Bitney, Rod SHORT TITLE: Clarify which persons may engage in the consumer loan business
REFERRED ON: 02/08/1999 HEARD ON: 02/11/1999
EXECUTIVE ACTION: 02/12/1999 Bill Passed -- VOTE: 18 - 0
FINAL DISPOSITION 04/07/1999 Chapter Number Assigned
-
- HB 572** SPONSOR: Squires, Carolyn SHORT TITLE: Revise certain unemployment insurance laws
REFERRED ON: 02/09/1999 HEARD ON: 02/12/1999
EXECUTIVE ACTION: 02/19/1999 Bill Passed as Amended -- VOTE: 10 - 8
FINAL DISPOSITION 02/22/1999 (H) 2nd Reading Pass Motion Failed; Vote: 45 - 53
-
- HB 581** SPONSOR: Cobb, John SHORT TITLE: Generally revise the Montana small business purchasing act
REFERRED ON: 02/10/1999 HEARD ON: 02/12/1999
EXECUTIVE ACTION: 02/13/1999 Bill Passed as Amended -- VOTE: 18 - 0
FINAL DISPOSITION 04/07/1999 Chapter Number Assigned
-
- HB 592** SPONSOR: Hibbard, Chase SHORT TITLE: Revise employment laws
REFERRED ON: 02/11/1999 HEARD ON: 02/16/1999
EXECUTIVE ACTION: 02/18/1999 Bill Passed as Amended -- VOTE: 18 - 0
FINAL DISPOSITION 04/23/1999 Chapter Number Assigned
-

House BILL NO. 557

INTRODUCED BY

(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DISCLOSURE OF HEALTH CARE INFORMATION RELATED TO A WORKERS' COMPENSATION CLAIM; AMENDING SECTION 50-16-527, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-16-527, MCA, is amended to read:

"50-16-527. Patient authorization -- retention -- effective period -- exception. (1) A health care provider shall retain each authorization or revocation in conjunction with any health care information from which disclosures are made.

(2) Except for authorizations to provide information to third-party health care payors, an authorization may not permit the release of health care information relating to health care that the patient receives more than 6 months after the authorization was signed.

(3) ~~An authorization in effect on October 1, 1987, remains valid for 30 months after October 1, 1987, unless an earlier date is specified or it is revoked under 50-16-528.~~ Health care information disclosed under ~~such~~ an authorization is otherwise subject to this part. An authorization ~~written after October 1, 1987,~~ becomes invalid after the expiration date contained in the authorization, which may not exceed 30 months. If the authorization does not contain an expiration date, it expires 6 months after it is signed.

(4) Notwithstanding subsections (2) and (3), a signed claim for workers' compensation or occupational disease benefits authorizes disclosure to the workers' compensation insurer, as defined in 39-71-116, by the health care provider. The disclosure authorized by this subsection relates only to relevant information concerning the claimant's condition. Health care information relevant to the claimant's condition may include past history of the complaints of or the treatment of a condition that is similar to that presented in the claim, conditions for which benefits are subsequently claimed, other conditions related to the same body part, or conditions that may affect recovery. The physician in possession of the relevant health care information related to the claimant's condition shall determine what

1 information is relevant to the claim. A physician's denial of a request for the records may not be used as
2 the sole basis by an insurer to deny or terminate medical benefits. A workers' compensation insurer may
3 not obtain or attempt to obtain authorization from a claimant for the release of medical information that
4 is not relevant to the claim for workers' compensation. This authorization Authorization under this section
5 is effective only as long as the claimant is claiming benefits."

6

7 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

8

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN BRUCE SIMON**, on February 12, 1999 at 8:00 A.M., in Room 104 Capitol.

ROLL CALL

Members Present:

Rep. Bruce Simon, Chairman (R)
Rep. Bob Pavlovich, Vice Chairman (D)
Rep. Paul Sliter, Vice Chairman (R)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Roy Brown (R)
Rep. David Ewer (D)
Rep. Carol C. Juneau (D)
Rep. Billie Krenzler (D)
Rep. Bob Lawson (R)
Rep. Gay Ann Masolo (R)
Rep. Gary Matthews (D)
Rep. Joe McKenney (R)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Cliff Trexler (R)
Rep. Carley Tuss (D)

Members Excused: None.

Members Absent: None.

Staff Present: Stephen Maly, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 581, HB 553, HJR 24, HB 557, HB 572, 2/10/1999
Executive Action: HB 557, HB 581, HJR 24, HB 100, HB 514, HB 526, HB 558, HB 556, HB 553, HB 497

Proponents' Testimony: Dr. Peter Blouke, Dept of Commerce
{Tape : 1; Side : B; Approx. Time Counter : 248 - 281}

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: Rep. Juneau closed
{Tape : 1; Side : B; Approx. Time Counter : 281 - 292}

HEARING ON HB 557

Opening Statement by Sponsor: Rep. Ewer, HD 3 introduced HB
557.EXHIBIT(2) EXHIBIT(3)
{Tape : 1; Side : B; Approx. Time Counter : 292 - 415}

Proponents' Testimony: Don Judge AFL-CIO
{Tape : 1; Side : B; Approx. Time Counter : 415 - 493}

Geo Wood, MT Self Insurers Assn.
{Tape : 1; Side : B; Approx. Time Counter : 493 - 512}

Frank Cote, State Auditor
{Tape : 1; Side : B; Approx. Time Counter : 512 - 515}

Nancy Butler, State Fund
{Tape : 2; Side : A; Approx. Time Counter : 0 - 16}

Jacqueline Lenmark, Am. Insurers Assn.
{Tape : 2; Side : A; Approx. Time Counter : 16 - 61}

MT Nurses Assn. Todd Hines
{Tape : 2; Side : A; Approx. Time Counter : 61 - 66}

Brandon Tippe, Local 3038 Stinson Lumber
{Tape : 2; Side : A; Approx. Time Counter : 66 - 80}

Christie Schweitzer, MT Trial Lawyers
{Tape : 2; Side : A; Approx. Time Counter : 80 - 92}

Jerry Driscoll, MT Building Trades Council
{Tape : 2; Side : A; Approx. Time Counter : 92 - 100}

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: Rep. Ewer Closed.

{Tape : 2; Side : A; Approx. Time Counter : 100 - 111}

EXECUTIVE ACTION ON HB 557

Motion: REP. EWER moved that HB 557 DO PASS.

{Tape : 2; Side : A; Approx. Time Counter : 111 - 120}

Motion/Vote: REP. EWER moved that HB 557 BE AMENDED. Motion carried unanimously.

{Tape : 2; Side : A; Approx. Time Counter : 120 - 130}

Motion/Vote: REP. BROWN moved that HB 557 DO PASS AS AMENDED. Motion carried unanimously.

{Tape : 2; Side : A; Approx. Time Counter : 130 - 154}

EXECUTIVE ACTION ON HB 581

Motion: REP. TUSS moved that HB 581 DO PASS.

{Tape : 2; Side : A; Approx. Time Counter : 154 - 166}

Motion/Vote: REP. TUSS moved that HB 581 BE AMENDED. Motion carried unanimously.

{Tape : 2; Side : A; Approx. Time Counter : 166 - 224}

Motion/Vote: REP. TUSS moved that HB 581 DO PASS AS AMENDED. Motion carried unanimously.

{Tape : 2; Side : A; Approx. Time Counter : 224 - 231}

EXECUTIVE ACTION ON HJR 24

Motion/Vote: REP. TREXLER moved that HJR 24 DO PASS. Motion carried unanimously.

{Tape : 2; Side : A; Approx. Time Counter : 231 - 247}

HEARING ON HB 572

Opening Statement by Sponsor: Rep. Squires, HD 68 introduces HB 582.

{Tape : 2; Side : A; Approx. Time Counter : 247 - 296}

Proponents' Testimony: Brandon Tippe, Local 3038

{Tape : 2; Side : A; Approx. Time Counter : 296 - 406}

INDEX TO BILLS IN COMMITTEE

June 30, 1999

- Committee: (S) Labor and Employment Relations -

04:59 PM

HB 229 SPONSOR: Ewer, David SHORT TITLE: Repeal building inspector enforcement of construction site health and safety
REFERRED ON: 03/03/1999 HEARD ON: 03/23/1999
EXECUTIVE ACTION: 03/24/1999 Bill Concurred -- VOTE: 7 - 0
FINAL DISPOSITION 04/06/1999 Chapter Number Assigned

HB 281 SPONSOR: Johnson, Royal SHORT TITLE: Submit increase on experience rated employers to electorate
REFERRED ON: 03/03/1999 HEARD ON: 03/11/1999
TABLED ON: 03/12/1999
FINAL DISPOSITION 04/22/1999 (S) Died in Standing Committee

HB 395 SPONSOR: Facey, Tom SHORT TITLE: Revise eligibility for unemployment insurance benefits for part time workers
REFERRED ON: 03/03/1999 HEARD ON: 03/09/1999
REFERRED ON: 03/16/1999
EXECUTIVE ACTION: 03/12/1999 Bill Concurred -- VOTE: 5 - 4
EXECUTIVE ACTION: 03/19/1999 Bill Concurred as Amended -- VOTE: 9 - 0
FINAL DISPOSITION 04/22/1999 Chapter Number Assigned

HB 461 SPONSOR: Simon, Bruce SHORT TITLE: Citations to plumbers or electricians on job sites without proof of licensure
REFERRED ON: 03/03/1999 HEARD ON: 03/11/1999
EXECUTIVE ACTION: 03/19/1999 Bill Concurred as Amended -- VOTE: 8 - 1
FINAL DISPOSITION 04/22/1999 Chapter Number Assigned

HB 514 SPONSOR: Somerville, Roger SHORT TITLE: Revise laws governing payment of contractors
REFERRED ON: 03/03/1999 HEARD ON: 03/09/1999
EXECUTIVE ACTION: 03/10/1999 Bill Concurred -- VOTE: 9 - 0
FINAL DISPOSITION 03/23/1999 Chapter Number Assigned

HB 557 SPONSOR: Ewer, David SHORT TITLE: Medical privacy for work comp claims
REFERRED ON: 03/03/1999 HEARD ON: 03/09/1999
EXECUTIVE ACTION: 03/12/1999 Bill Concurred as Amended -- VOTE: 9 - 0
FINAL DISPOSITION 04/29/1999 Chapter Number Assigned

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

Call to Order: By **CHAIRMAN TOM KEATING**, on March 9, 1999 at 3:08 A.M., in Room 413/415 Capitol.

ROLL CALL

Members Present:

Sen. Tom Keating, Chairman (R)
Sen. Fred Thomas, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Dale Berry (R)
Sen. Vicki Cocchiarella (D)
Sen. Alvin Ellis (R)
Sen. Bob Keenan (R)
Sen. Walter McNutt (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Gilda Clancy, Committee Secretary
Eddye McClure, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 592, HB 395, HB 557, HB
514, 3/9/1999
Executive Action: HB 98, HB 514, HB 592

Discussion:

SEN. COCCHIARELLA explained on the top of page 4, she planned to draft an amendment which would help clarify the issue of what time period is covered when someone files a wage and hour claim. This language seems somewhat unfair. She read Section 3 where it states, "An employee may recover wages and penalties for a period of two years prior to the date in which the claim is filed". If that person had not been paid appropriately, she felt that was unfair. She asked for a sense of what the Committee thinks.

CHAIRMAN KEATING remarked he did not know enough about this to make a decision now, so he asked the Committee to recess the executive action on this until after the bills were heard and they will come back to it and hope there is some informational experts present.

SEN. COCCHIARELLA agreed this would work well.

(THE COMMITTEE RECESSED FROM THIS EXECUTIVE ACTION UNTIL LATER IN THIS MEETING.)

{Tape : 1; Side : A; Approx. Time Counter : 11 - 20}

HEARING ON HB 557

Sponsor: REP. DAVID EWER, HD 53, Helena

Proponents: Nancy Butler, State Fund
George Wood, Montana Self-Insurer's Association
Don Judge, AFL-CIO
Todd Thun, Montana Nurses Association
Christiana Schweitzer, Montana Trial Lawyer's Association

Opponents: None.

Opening Statement by Sponsor:

REP. DAVID EWER, HD 53, Helena, claimed the intention of this bill is to make the information which insurance companies ask for is pertinent to the Workers' Compensation injury. He handed out an example of 'Authorization To Release Health Care Information'

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which has been used in Montana **EXHIBIT(3)**. As you can see, they ask for everything.

This bill attempts to say it is legitimate to ask for this information relating to the Workers' Compensation injury, but the information received should be relevant. If someone has a broken leg it is not relevant to the injury for other information to be exposed.

They have worked hard on this bill and in the House they had all the insurance people and the Department of Labor have come together and crafted the language. If the bill is passed, the health information asked for must be relevant to the claim. There is nothing which would prevent additional inquiries if they need more information on this.

The amendment was added by the House, however, the insurance companies did not like it, so there is a technical amendment he would like to add **EXHIBIT(4)**.

Proponents' Testimony:

Nancy Butler, State Fund, stated as an insurance company, they recognize the right to privacy in medical records, however, they do need medical records in order to determine what benefits are payable and what benefits are not payable. This amendment to the Health Care Act provides a definition to what is relevant medical information. The idea is the physicians they work with understand they need relevant medical information. She asked for passage of the amendment.

George Wood, Executive Secretary, Montana Self-Insurer's Association, recommends this bill pass with the amendment which clarifies it was agreed to.

Don Judge, Montana State AFL-CIO, said regarding the 'Authorization Release Agreement' (**EXHIBIT 3**), was discovered by his members in two separate sides of the state. Two unrelated employers engaged in two unrelated types of businesses, one was in the timber industry and the other in the plumbing and pipefitting business. In the release form, the insurance companies which had issued that release form were asking for every piece of personal information which existed anywhere with

any medical facility. They can make this request of any information which was available regarding the individuals who had filed a claim under the State Workers' Compensation Act. They found employees who had been asked to sign that form so they could obtain benefits.

On the other hand, **Mr. Judge** exhibited a copy of a 'Claim for Compensation' form which is a release form currently used by the State of Montana **EXHIBIT(5)**. He read the small language at the very bottom of the form and stated the insurance companies are accessing information they need in order to appropriately execute the Workers' Compensation Injury Claim for benefits.

One of the major concerns of the country today is health care privacy, not just in Workers' Compensation but also in the private health care world. The polls have proven people are very concerned about their privacy. This bill goes a step towards providing privacy in Workers' Compensation. It is not without some question and people may still wonder about protecting privacy, but the bill goes a long way towards securing privacy.

If a person has had a mental breakdown or a problem with drug and alcohol abuse 15 years ago, or a history of heart attacks in the family, the Workers' Compensation insurers do not need to know that for a broken arm. They do not need to know if a woman has had an abortion or miscarriage or a mental breakdown when the injury is a broken leg or bad back.

Todd Thun, Montana Nurses Association, informed the Committee in general, the nurses support the scope of limiting information of medical release to third parties. They support HB 557.

Christiana Schweitzer, Montana Trial Lawyer's Association, stood in support of HB 557. Filers of Worker's Compensation claims should have peace of mind in knowing medical information unrelated to the claim they are filing is not being released.

However, regarding line 3 on page 2, striking this line could be potentially dangerous. We should be able to trust our physicians to be discrete in turning over information. She asked the Committee take another look at the pre-existing language and take a look at the bill in its original form.

Opponents' Testimony:

None.

Questions from Committee Members and Responses:

None.

Closing by Sponsor:

REP. EWER closed by stating one of the reasons this bill is unanimous is because of the form it is written. He is sympathetic with the trial attorneys and agrees with them, he asks that the language is not changed as it now appears. There are no opponents because what we have is consensus. He suggested only the technical amendment (EXHIBIT 4) be added.

{Tape : 1; Side : B; Approx. Time Counter : 20 - 52}

HEARING ON HB 395

Sponsor: REP. TOM FACEY, HD 67, Missoula

Proponents: Sue Spanke, Representing Self, Graphics Specialist
Don Judge, AFL-CIO
Jerry Driscoll, Montana Building Trades Council
Judy Smith, Representing Self, Missoula
Linda Smith, Representing Self, Missoula
Kate Cholewa, Montana Women's Lobby

Opponents: None.

Informational Testimony: Kevin Braun, Attorney, Department of Labor

Opening Statement by Sponsor:

REP. TOM FACEY, HD 67, Missoula, informed the Committee HB 395 is a slight policy change in the way Unemployment Insurance benefits are calculated. EXHIBIT(6) He read through this exhibit. Both people lost the same job and Mary had higher unemployment benefits because her second job is covered. John's second job is not covered. They are exempting all non-employment from this bill.

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

Call to Order: By **CHAIRMAN TOM KEATING**, on March 11, 1999 at
3:17 P.M., in Room 413/415 Capitol.

ROLL CALL

Members Present:

Sen. Tom Keating, Chairman (R)
Sen. Dale Berry (R)
Sen. Vicki Cocchiarella (D)
Sen. Alvin Ellis (R)
Sen. Bob Keenan (R)
Sen. Walter McNutt (R)
Sen. Bill Wilson (D)

Members Excused: Sen. Fred Thomas, Vice Chairman (R)
Sen. Sue Bartlett (D)

Members Absent: None.

Staff Present: Gilda Clancy, Committee Secretary
Eddye McClure, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 167, HB 281, HB 461,
3/3/1999

Executive Action: HB 557, HB 395, HB 281, HB 167

Closing by Sponsor:

REP. SIMON professed he did resist this kind of an approach in the House. The reason is he thought it would be better to have a multitude of eyes and ears working for the State than having just a limited number of inspectors who are investigators. He also recognizes it creates a lot of unforeseen and unattended problems. He recommends the amendments as they have been presented, however, he does have a concern about the rule-making authority creating a fine structure. He isn't sure he wants to give them that much authority and asked the Committee to take a serious look at that. This seems to be causing a problem for the Cities. He does not want to cause them those problems. He wants to enforce the plumbing and electrical licensure laws.

He read both the Electrical and Plumbing Code from the statute Building Code section and stated we need to make sure we have qualified people because of public health and safety.

{Tape : 1; Side : A; Approx. Time Counter : 54 - 88}

EXECUTIVE ACTION ON HB 557

Motion: SEN. MCNUTT moved that HB 557 BE CONCURRED IN.

Motion/Vote: SEN. MCNUTT moved that THE AMENDMENT BE ADOPTED EXHIBIT(4). Motion carried unanimously.

Motion: SEN. COCCHIARELLA moved that THE AMENDMENT BE ADOPTED EXHIBIT(5).

Discussion:

SEN. COCCHIARELLA stated REP. EWER probably would not like her amendments and explained them to the Committee.

CHAIRMAN KEATING said it has been reiterated several times this is a compromise and it took time for all the parties to come together. REP. EWER asked specifically not to tamper with this because it would destroy the compromise. He said he does not want to lose the bill for him by doing something on which there has been no public testimony on.

SEN. THOMAS insisted the amendments were good and recommended they be adopted.

SEN. COCCHIARELLA asked if she could have others testify to her amendment.

Darrell Holzer, AFL-CIO, stated he was unaware of these amendments and personally does not see anything wrong with them, but would like to have the opportunity to visit with **REP. EWER** about them before they are adopted.

Nancy Butler, State Fund, said they supported the bill in the House but she had time to reflect upon some of the language and issues that **SEN. COCCHIARELLA** brought up. They are concerned about the language which states the physician or health care provider determines what information is relevant to the claim. They think maybe a judge should make that decision rather than the physician or health care provider.

George Wood, Executive Secretary, Montana Self-Insurer's Association, explained the part of the bill important to them is the definition of 'relevancy'. All that these amendments really do is expedite the manner in which they could find the information necessary to pay the employee. He doesn't believe there is enough change in the amendments to cause anybody any trouble, it should only expedite things.

Vote: Motion that **THE AMENDMENT BE ADOPTED (EXHIBIT 5)** carried 8-1 with **SEN. BARTLETT** voting no.

Motion/Vote: **SEN. THOMAS** moved that **HB 557 BE CONCURRED IN AS AMENDED**. Motion carried unanimously.

EXECUTIVE ACTION ON HB 395

Motion: **SEN. THOMAS** moved that **HB 395 BE CONCURRED IN**.

Discussion:

SEN. MCNUTT said it seems to him in this bill we are not really accomplishing what it is trying to do.